

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SONIA HERNANDEZ,  
Plaintiff,

**STIPULATION OF DISMISSAL**

- against -

Civ. Action No. 20-cv-42 (FJS/CFH)

KWIAT EYE AND LASER SURGERY, PLLC; and  
DAVID M. KWIAT, M.D.,

Defendants.

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**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the Plaintiff and Defendants, in the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued between the Plaintiff and Defendants solely with respect to Plaintiff's claims for breach of contract based on her entitlement to incentive compensation in 2017, on the merits **with prejudice**, and that Plaintiff expressly reserves her right to appeal all other claims previously asserted in this matter and which were the subject of this Court's Memorandum Decision and Order dated January 24, 2023. This Stipulation may be filed without further notice with the Court.

DATED: Cheektowaga, New York  
September 27, 2023

DATED: Albany, New York  
September 28, 2023

**SANDERS & SANDERS**

**GIRVIN & FERLAZZO, P.C.**

By: 

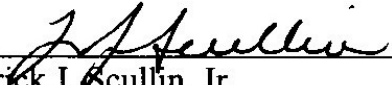
By: 

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Dated: October 20, 2023

IT IS SO ORDERED.

  
Frederick J. Scullin, Jr.  
Senior United States District Judge